

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE)	
)	
v.)	Case No. 1006008872
)	
NICOLE R. HOFFMAN,)	
)	
Defendant.)	

**AMENDED
ORDER**

AND NOW, TO WIT, this 29th day of June 2011, having heard Defendant’s Motion to Amend Sentence and the State’s opposition thereto, **IT IS HEREBY ORDERED** as follows:

1. On June 14, 2010, Defendant Nicole R. Hoffman (“Defendant”) pled guilty to Manslaughter. Defendant was sentenced to 13 years at Level V, suspended for 9 years at Level V, followed by varying levels of probation.¹

2. On December 6, 2010, Defendant filed a Motion to Amend Sentence.² On December 14, 2010, Defendant was granted additional time to supplement her Motion to Amend. Defendant filed a Supplemental Memorandum in Support of her Motion to Amend on March 7, 2011.³ Defendant claimed “that the Court based its sentencing on information that was factually incorrect and which was material to the Court’s conclusion that the aggravator of ‘undue depreciation of the offense’ justified” the sentence imposed.⁴

¹ Sentencing Order, Docket Item (“D.I.”) 4.
² D.I. 8.
³ D.I. 12.
⁴ *Id.*

3. Upon careful consideration of the record and the parties' post-sentencing submissions, the Court finds that had the information in Defendant's Supplemental Memorandum in Support of her Motion to Amend been provided to the Court at the time of sentencing, the Court would not have weighed the aggravator of "undue depreciation of the offense" so heavily. Consequently, the Court finds that Defendant's sentence should be modified to 13 years at Level V, suspended after 8 years of Level V, for 12 months of Level IV, followed by 24 months of Level III.⁵

Defendant's Motion to Amend is thus **GRANTED**.

IT IS SO ORDERED.

Jan R. Jurden, Judge

⁵ *State v. Walls*, 911 A.2d 804 (Del. 2006) (TABLE); *State v. Sloman*, 886 A.2d 1257 (Del. 2005) (Sentencing Judge has inherent authority to modify sentence).